

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

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UNITED STATES OF AMERICA.,

Plaintiff

v.

KIM DOTCOM, et al.,

Defendants

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)  
) The Honorable Liam O'Grady  
)  
)  
) Criminal Action No. 1:12-CR-3  
)  
)  
)

**MOTION OF SPECIALLY APPEARING DEFENDANT MEGAUPLOAD LIMITED  
TO DISMISS INDICTMENT FOR LACK OF PERSONAL JURISDICTION**

Specially appearing Defendant Megaupload Limited respectfully moves this Court to dismiss the indictment against it for lack of personal jurisdiction. The grounds supporting this Motion are stated with particularity in the concurrently filed Memorandum in Support of Motion of Specially Appearing Defendant Megaupload Limited to Dismiss Indictment for Lack of Personal Jurisdiction.

Respectfully submitted,

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*Counsel for Defendant Megaupload Limited*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 3, 2012, the foregoing MOTION OF SPECIALLY APPEARING DEFENDANT MEGAUPLOAD LIMITED TO DISMISS INDICTMENT FOR LACK OF PERSONAL JURISDICTION was filed and served electronically by the Court's CM/ECF system upon all registered users.

/s/ Heather H. Martin  
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**[PROPOSED] ORDER**

Pursuant to Federal Rule of Criminal Procedure 4 and Local Criminal Rule 47, Defendant Megaupload Limited ("Megaupload") specially appears to move to dismiss the Superseding Indictment for lack of personal jurisdiction. The COURT, having considered Megaupload's motion, the Government's response thereto, and Megaupload's reply in support of its motion, and being fully advised in the premises, finds that the Government has failed to serve Megaupload with service of process and cannot do so in compliance with Federal Rule of Criminal Procedure 4. Accordingly, it is hereby

ORDERED that said motion is GRANTED.

The Superseding Indictment against Defendant Megaupload Limited is DISMISSED.

Date: \_\_\_\_\_  
Alexandria, Virginia

\_\_\_\_\_  
The Honorable Liam O'Grady  
United States District Judge